

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Terry Douglas Campbell, # 281286,

Civil Action No. 6:14-1832-BHH

Plaintiff,

vs.

Chuck Wright, *Sheriff*; Neil Urch,
Deputy; J. Hudson, *Deputy*; J. Parris,
Deputy; Nurse Jane Doe; Chief Parris,
aka Moe Poe; Michael Sean Nix, *aka Po*
Poe; and Dr. Sal Bianco, *aka John Doe*,

Defendants.

OPINION AND ORDER

Terry Douglas Campbell (“the plaintiff”), proceeding *pro se*, initiated this civil rights action pursuant to 42 U.S.C. § 1983 against the defendants Chuck Wright, Sheriff, Neil Urch, Deputy, J. Hudson, Deputy, J. Parris, Deputy, Nurse Jane Doe, Chief Parris, Michael Sean Nix, and Dr. Sal Bianco (“the defendants”). (Compl., ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling and a Report and Recommendation. Magistrate Judge McDonald recommends that the court grant the defendants’ motion for summary judgment (ECF No. 56). The Report and Recommendation (ECF No. 107) sets forth in detail the relevant facts and standards of law on this matter and the court incorporates them without recitation.

STANDARD OF REVIEW

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270–71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court is charged with making a *de novo*

determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, the court need not conduct a *de novo* review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

DISCUSSION

The plaintiff filed an objection (ECF No. 109) to the Report and Recommendation, and the defendant filed a reply (ECF No. 112) which the Court has carefully reviewed. The plaintiff also filed a motion for summary judgment (ECF No. 110) subsequent to the issuance of the Report and Recommendation.

The plaintiff's objection fails to direct the Court to any specific error in the Magistrate's proposed findings and recommendations. Objections to the Report and Recommendation on summary judgment are not an opportunity to relitigate the magistrate judge's orders regarding discovery. Nevertheless, out of an abundance of caution, the Court has conducted a *de novo* review of the plaintiff's brief objections, finds them to be without merit, and hereby overrules them. The Report and Recommendation fairly and accurately summarizes the facts and applies the correct principles of law, and the Court agrees with the analysis of the Magistrate Judge.

CONCLUSION

For the reasons stated above, the Court finds that the plaintiff's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate his claims. After a thorough review of the Report and Recommendation and the record in this case, the Court agrees with the Magistrate Judge. The plaintiff's objections are overruled, and to the extent it is consistent with this order, the Report is adopted and incorporated herein by reference.

IT IS THEREFORE ORDERED that the defendant's motion for summary judgment (ECF No. 56) is **GRANTED**.

IT IS FURTHER ORDERED that the plaintiff's motions to compel (ECF No. 98, 99) are **DENIED**, and the plaintiff's motion for summary judgment (ECF No. 110) is **DENIED**, and this action is DISMISSED.

IT IS SO ORDERED.

/s/ Bruce Howe Hendricks
United States District Judge

March 25, 2015
Greenville, South Carolina